



CITY OF BELMONT DRIVER SAFETY POLICY

I. PURPOSE

1. To establish a uniform policy and procedures that will ensure that all City of Belmont ("City") employees who utilize City vehicles for business-related travel, or who are required to drive City vehicles as a condition of employment, or who drive personal or City vehicles on City-related business, maintain a valid California driver's license (CDL), consistent with individual job requirements and the law, that is periodically monitored and verified on an annual basis. For purposes of this policy, a "vehicle" is defined as "a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks", as defined in the California Vehicle Code (Section 670).
2. To adopt safety measures and to minimize City liability for the unlawful operation of its vehicles.¹
3. To establish effective controls on reporting changes to an employee's CDL status, recording motor vehicle collisions/incidents, and reducing the number of employees' and volunteers' collisions while driving City vehicles or private vehicles on official City business by:
 - a. providing managers and supervisors with formal reporting procedures;
 - b. reducing delays in reporting collisions to appropriate City Staff.

Other objectives of this policy include reducing the rate of motor vehicle insurance premiums; obtaining longer life from City vehicles; improving the safe driving ability of City drivers; improving public relations by demonstrating to the public that City drivers practice good traffic safety; and ensuring consistent treatment of employees when disciplinary action is taken as a result of a collision that has been determined as preventable by the Vehicle Accident Review Board (VARB).

POLICY

This policy applies to the operation of any vehicle by an employee for authorized City business. For purposes of this policy, "employees" includes full-time employees, part-time employees, seasonal employees, volunteers, interns, and City elected officials.

A. Policy Administration

1. This policy shall be implemented and administered by the Human Resources Department.

¹ For collisions involving Public Safety vehicles, please refer to the Belmont Police Department Policy Manual.



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2. Appropriate disciplinary action may be taken against any employee who operates a motor vehicle without a valid driver's license or who fails to give proper notification as hereinafter provided.
3. Employees shall be informed of and sign, the policy guidelines and standards upon employment with the City, and review the policy annually thereafter.
4. Upon request, and subject to the discretion of the Department Head, an employee may be reassigned to other job duties not requiring a driver's license.

B. General Employee Responsibility

1. All employees covered under this policy are required to:
 - a. Maintain and possess at all times a valid, appropriate CDL while operating a City vehicle or acting on behalf of the City while driving a personal vehicle.
 - b. Report any change in the validity of his or her driver's license to an immediate supervisor within the next business day from the time of the occurrence. Changes in validity shall include:
 - (1) Suspension
 - (2) Revocation
 - (3) Expiration
 - (4) Change in classification of CDL
 - (5) Expiration of revocation of DMV Medical Certificate DL51A
 - (6) Issuance of a temporary license
 - (7) Any other action or activity in accordance with the California Vehicle Code Chapter 7, Commercial Motor Vehicle Safety Program, sections 15300 – 15325
 - c. Notwithstanding Section B)1)a) above, employees shall not operate City vehicles without a valid driver's license.
 - d. Comply in accordance with all City, County, State and Federal laws.
 - e. Pay any citations/violations/fines, with the exception of "fix-it" tickets, received while operating/using a City vehicle.
2. Any employee designated as a "negligent operator" by the California Department of Motor Vehicles shall not operate any City vehicle or use a personal vehicle while acting on behalf of the City.
3. Employees driving a City or personal vehicle should also be responsible to:



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- a. At all times drive in a safe and courteous manner;
 - b. Immediately report any collision with third party or theft to supervisor and the local Police Department where the collision occurred; if the collision occurred outside of Belmont's jurisdiction and the attending Police Department will not take a police report, employees should record the following information:
 - i. Employee name and title
 - ii. Location and description of accident, including description of City vehicle.
 - iii. Driver's name, license plate number, date of birth and CDL#.
 - iv. Description of other vehicles involved in accident and driver's names.
 - v. Names of all persons injured in accident.
 - vi. Was accident investigated by police? Name of investigating officer, if known?
 - vii. Were there any other known witnesses? If so, record their contact information.
4. Employees driving personal vehicles for City business are responsible to:
- a. Maintain automobile insurance coverage for public liability and property damage as required by law.

C. City Drivers Responsibility

1. All employees who must operate a motor vehicle as a condition of employment with the City are required to:
 - a. Maintain a valid CDL appropriate to the task described in the class specification, and to be enrolled in the State of California Department of Motor Vehicles Employee Pull Notice Program.
 - b. Attend initial and periodic training, including Defensive Driver Training as provided by the City. All drivers who must operate a motor vehicle as a condition of employment with the City, or who are expected to "frequently" (i.e., once a week on a regular basis) drive in the course of City business must complete the Defensive Driver Training course within the first year of employment, and at least every five years thereafter.

D. Manager or Supervisor Responsibility.

1. Managers and supervisors shall be responsible for the following:
 - a. Ensuring that the employee is not permitted or authorized to continue to



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operate any motor vehicle on behalf of the City, upon notification from an employee that a change in validity of a driver's license has occurred; except that an employee who is issued a temporary license may continue to perform assigned duties until the change in validity has been resolved.

- b. Providing immediate notification to the Human Resources Department of the change in validity of the employee's driver's license.
- c. The Department Head shall prepare and provide a list of employees in their department who operate a motor vehicle as a condition of employment with the City to the Human Resources Department, including employee's name, position, and driver's license number.

E. Volunteer and Non-Employee Requirements and Standards

- 1. Department Heads shall enforce that all volunteers, interns and non-employees who may have occasion to drive a City vehicle shall be required to read and sign the policy standards.
- 2. Driving standards shall be enforced consistently and fairly by Department Heads among all volunteers and non-employees who may drive a City vehicle.

F. City Vehicle Use Restrictions

Employees must not transport others in a City vehicle unless in the course of City business. City vehicles shall not be used for personal, non-City purposes, except under those limited situations as follows and as approved by their immediate supervisor:

- 1. Travel to and from the employee's residence and work.
- 2. Rest/lunch breaks.

G. Motor Vehicle Collisions

- 1. Procedure
All vehicle collisions/incidents involving a City vehicle or personal vehicle on City business, regardless of amount of damage, shall be handled as follows²:
 - a. Upon occurrence, the employee shall follow the Vehicle Accident Procedure that is located within the City vehicle, or on the City's internal computer

² For collisions involving Public Safety vehicles, please refer to the Belmont Police Department Policy Manual.



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network;

- b. Upon occurrence, the employee shall inform his/her immediate supervisor;
- c. The supervisor shall inform the City's Risk Manager and Fleet Management within 24 hours of the collision/incident;
- d. When required by law, the employee shall complete DMV form SR-1 ;
- e. Supervisor shall complete and submit the City's Vehicle Accident Form to the Finance Department. If there are injuries involved to the City employee, the employee shall complete and submit the "Employee Report of Occupational Injury or Illness" form, and the Supervisor shall complete and submit the "Supervisor's Report of Occupational Injury or Illness" form.

2. Collision Review

The City's Risk Manager or designee, Police Chief or designee and Supervisor of the employee involved in the vehicle collision, hereinafter referred to as the Vehicle Accident Review Board (VARB), will review reports of:

- a. Vehicle collisions involving City vehicles or private vehicles driven on official City business;
- b. Negligent operation of any City vehicle or private vehicle driven on official City business;
- c. Failure to obey a traffic law while driving for the City;

According to this policy, a "collision" is defined as any of the following incidents involving an employee and/or volunteer or intern who operates a City vehicle or a private vehicle on official City business that meets any one of the following:

- a. There is a fatality; or
- b. Injury that requires medical treatment; or
- c. Any involved vehicles are damaged so that it cannot be legally driven during daylight hours after minor repairs; or
- d. As a result of the collision a citation has been issued to the operator of the City vehicle or the private vehicle operated on official City business; or



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- e. When the collision is alleged to have been caused by negligent driving by a City employee and/or volunteer or intern.³

The VARB may review incident reports, liability notices, police reports, resident complaints, and any other reports as necessary as pertaining to the collision under review. They may also interview employees involved, any witnesses, Police Department personnel, and any other appropriate individual to aid the investigation.

The VARB shall make a determination of a collision as either preventable or non-preventable as defined by the National Safety Council. The National Safety Council defines a preventable collision as "a collision in which the driver failed to do everything reasonable to avoid it." This determination will be utilized in the event of any disciplinary corrective action taken as a result of the collision.

3. Disciplinary Action

For collisions that are determined to be preventable, the VARB will issue its determination to the Human Resources Director and the employee's Department Head.

The Department Head and Human Resources Director shall consider if disciplinary action is warranted and, if so, the following recommended progressive disciplinary actions, depending on the employee's number of previous offenses, and/or the severity of the collision and/or traffic violation involved, will be considered:

- a. Written reprimand;
- b. Suspension without pay;
- c. Reassignment or demotion to a non-driving position if possible; and
- d. Dismissal;
- e. Other appropriate disciplinary action.

In addition, any driver who is involved in a vehicle collision on City business may be required to attend remedial driver training.

All disciplinary actions must be taken in accordance with approved labor agreements.

Employees may review the reports regarding collisions in which they were operating the vehicle and the collision was determined to be preventable. Employees should

³ Negligent driving, as defined by California DMV is when driver has been less than grossly negligent, including cases involving misjudgment and inattention. Drivers are negligent if they fail to use the degree of care expected to avoid accidents.



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request through their supervisors to set up an appointment with the Human Resources Director and Department Head to review the reports. Supervisors shall be in attendance at these reviews.

Collisions that are determined to be preventable and any resulting disciplinary action will become a part of the driver's Personnel record.

In such cases where disciplinary action is not warranted, verbal counseling may be issued as a form of corrective action.

II. **APPEAL**

All employment actions arising from the application of this policy shall be appealable in accordance with the relevant memorandum of understanding, Personnel Rules and Regulations, or other City or District policy.

Questions regarding this directive should be directed to the **Risk Management Division** in the Finance Department at (650) 595-7433 or nvoelker@belmont.gov.

I have read and understand the information provided to me regarding the City of Belmont Driver Safety Policy:

x _____

Attachments:

Exhibit A – California Vehicle Code Sections 15300-15325

Exhibit B – City of Belmont Motor Vehicle Accident Procedure

VEHICLE CODE

SECTION 15300-15326

15300. (a) A driver shall not operate a commercial motor vehicle for a period of one year if the driver is convicted of a first violation of any of the following:

- 1) Subdivision (a), (b), or (c) of Section 23152 while operating a motor vehicle.
- 2) Subdivision (d) of Section 23152.
- 3) Subdivision (a) or (b) of Section 23153 while operating a motor vehicle.
- 4) Subdivision (d) of Section 23153.
- 5) Leaving the scene of an accident involving a motor vehicle operated by the driver.
- 6) Using a motor vehicle to commit a felony, other than a felony described in Section 15304.
- 7) Driving a commercial motor vehicle when the driver's commercial driver's license is revoked, suspended, or canceled based on the driver's operation of a commercial motor vehicle or when the driver is disqualified from operating a commercial motor vehicle based on the driver's operation of a commercial motor vehicle.
- 8) Causing a fatality involving conduct defined pursuant to Section 191.5 of the Penal Code or subdivision (c) of Section 192 of the Penal Code.
- 9) While operating a motor vehicle, refuses to submit to, or fails to complete, a chemical test or tests in violation of Section 23612.
- 10) A violation of Section 2800.1, 2800.2, or 2800.3 that involves a commercial motor vehicle.

(b) If a violation listed in subdivision (a), or a violation listed in paragraph (2) of subdivision (a) of Section 13350 of Section 13352 or 13357, occurred while transporting a hazardous material, the period specified in subdivision (a) shall be three years.

15301. The Department of Motor Vehicles, in conjunction with the State Fire Marshal, shall develop regulations and procedures to temporarily suspend the commercial motor vehicle license of a person who is operating a commercial motor vehicle while transporting dangerous fireworks having a gross weight of 10,000 pounds or more. A driver of a commercial motor vehicle shall not operate a commercial motor vehicle for three years if the driver is convicted of transporting dangerous fireworks having a gross weight of 10,000 pounds or more.

15302. A driver shall not operate a commercial motor vehicle for the rest of his or her life if convicted of more than one violation of any of the following:

- a) Subdivision (a), (b), or (c) of Section 23152 while operating a motor vehicle.
- b) Subdivision (d) of Section 23152.
- c) Subdivision (a) or (b) of Section 23153 while operating a motor vehicle.
- d) Subdivision (d) of Section 23153.

- e) Leaving the scene of an accident involving a motor vehicle operated by the driver.
- f) Using a motor vehicle to commit a felony, other than a felony described in Section 15304.
- g) Driving a commercial motor vehicle when the driver's commercial driver's license is revoked, suspended, or canceled based on the driver's operation of a commercial motor vehicle or when the driver is disqualified from operating a commercial motor vehicle based on the driver's operation of a commercial motor vehicle.
- h) Causing a fatality involving conduct defined pursuant to Section 191.5 of the Penal Code or in subdivision (c) of Section 192 of the Penal Code.
- i) While operating a motor vehicle, refuses to submit to, or fails to complete, a chemical test or tests in violation of Section 23612.
- j) A violation of Section 2800.1, 2800.2, or 2800.3 that involves a commercial motor vehicle.
- k) Any combination of the above violations or a violation listed in paragraph (2) of subdivision (a) of Section 13350 or Section 13352 or 13357 that occurred while transporting a hazardous material.

15304. (a) A driver may not operate a commercial motor vehicle for the rest of his or her life who uses a motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(b) This section shall become operative on September 20, 2005.

15306. A driver shall not operate a commercial motor vehicle for a period of 60 days if the person is convicted of a serious traffic violation involving a commercial or a noncommercial motor vehicle and the offense occurred within three years of a separate offense of a serious traffic violation that resulted in a conviction.

15308. (a) A driver shall not operate a commercial motor vehicle for a period of 120 days if the person is convicted of a serious traffic violation involving a commercial or noncommercial motor vehicle and the offense occurred within three years of two or more separate offenses of serious traffic violations that resulted in convictions.

(b) Notwithstanding Section 13366.5, the time period under subdivision (a) shall not commence until all existing suspensions or revocations of the commercial driving privilege have ended.

15309. In addition to any other action taken under this code, no driver may operate a commercial motor vehicle for a period of 60 days if the department determines, after a hearing, that the person falsified information on his or her application for a driver's license in violation of the standards set forth in subpart J of part 383 or Section 383.71(a) of Title 49 of the Code of Federal Regulations.

15309.5. (a) It is unlawful for any person to do any of the following:

- 1) Sell, offer for sale, distribute, or use a crib sheet or cribbing device, as defined in Section 273, that contains answers to any examination administered by the department for a commercial driver's license or permit.

- 2) Impersonate or allow the impersonation of an applicant for a commercial driver's license or permit for the purpose of fraudulently qualifying the applicant for a commercial driver's license or permit.
- 3) Provide, or use, any unauthorized assistance during any examination administered by the department for a commercial driver's license or permit.

(b) A first conviction under this section is punishable as either an infraction or a misdemeanor, and the driver shall not operate a commercial motor vehicle for a period of one year. A second or subsequent conviction is punishable as a misdemeanor, and the driver shall not operate a commercial motor vehicle for a period of one year.

15311. (a) A driver shall not operate a commercial motor vehicle for a period of 180 days if the person is convicted of a first violation of an out-of-service order under subdivision (b), (c), or (d) of Section 2800.

(b) A driver shall not operate a commercial motor vehicle for a period of two years if the person is convicted of violating an out-of-service order under subdivision (b), (c), or (d) of Section 2800 while transporting hazardous materials required to be placarded or while operating a vehicle designed to transport 16 or more passengers, including the driver.

(c) A driver shall not operate a commercial motor vehicle for a period of two years if the person is convicted of a second violation of an out-of-service order under subdivision (b), (c), or (d) of Section 2800 during any 10-year period, arising from separate incidents.

(d) A driver shall not operate a commercial motor vehicle for a period of three years if the person is convicted of a second violation of an out-of-service order under subdivision (b), (c), or (d) of Section 2800 while transporting hazardous materials that are required to be placarded or while operating a vehicle designed to transport 16 or more passengers, including the driver.

(e) In addition to the disqualification period required in subdivision (a), (b), (c), or (d), a driver who is convicted of violating an out-of-service order under subdivision (b) of Section 2800 is subject to a civil penalty of not less than two thousand five hundred dollars (\$2,500) for a first conviction, and a civil penalty of five thousand dollars (\$5,000) for a second or subsequent conviction.

(f) A driver shall not operate a commercial motor vehicle for a period of three years if the person is convicted of a third or subsequent violation of an out-of-service order under subdivision (b), (c), or (d) of Section 2800 during any 10-year period, arising from separate incidents.

15311.1. An employer that knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order is, upon conviction, subject to a civil penalty of not less than two thousand seven hundred fifty dollars (\$2,750) nor more than twenty-five thousand dollars (\$25,000).

15312. A driver may not operate a commercial motor vehicle for the following periods:

(a) Not less than 60 days if that person is convicted of a violation of subdivision (a) of Section 2800, or Section 21462, 22451, or 22452, or subdivision (c) or (d) of Section 22526, involving a commercial motor vehicle and the violation occurred at a railroad-highway crossing.

(b) Not less than 120 days if that person is convicted of a violation of subdivision (a) of Section 2800, or Section 21462, 22451, or 22452, or subdivision (c) or (d) of Section 22526, involving a commercial motor vehicle, and that violation occurred at a railroad-highway crossing, during

any three-year period of a separate, prior offense of a railroad-highway grade crossing violation, that resulted in a conviction.

(c) Not less than one year if that person is convicted of a violation of subdivision (a) of Section 2800, or Section 21462, 22451, or 22452, or subdivision (c) or (d) of Section 22526, involving a commercial motor vehicle, and that violation occurred at a railroad-highway crossing, at a railroad-highway grade crossing, during any three-year period of two or more prior offenses of a railroad-highway grade crossing violation, that resulted in convictions.

15312.1. (a) An employer that knowingly allows or requires an employee to operate a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to railroad crossings is, upon conviction, subject to a civil penalty of not more than ten thousand dollars (\$10,000).

(b) This section shall become operative on September 20, 2005.

15315. (a) The department shall not issue a commercial driver's license to a person during a period in which the person is prohibited from operating a commercial motor vehicle, or the person's driving privilege is suspended, revoked, or canceled.

(b) No commercial driver's license may be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders the commercial driver's license issued by the other state, which license shall be returned to the issuing state.

15319. The department may execute or make agreements, arrangements, or declarations to carry out this chapter.

15320. The department shall suspend, revoke, or cancel, the privilege of any person to operate a commercial motor vehicle for the periods specified in this article upon receipt of a duly certified abstract of the record of any court that the person has been convicted of any of the offenses set forth in this article.

15325. (a) Pursuant to subpart D of Part 383 of Title 49 of the Code of Federal Regulations, a driver whose driving is determined to constitute an imminent hazard is disqualified from operating a commercial motor vehicle for the period specified by the Federal Motor Carrier Safety Administration.

(b) The disqualification action shall be made part of the driver's record.

(c) A driver who is simultaneously disqualified under this section and any other state law or regulation, shall serve those disqualification periods concurrently.

(d) This section shall become operative on September 20, 2005.



MOTOR VEHICLE ACCIDENT KIT/CHECKLIST

DATE & TIME OF ACCIDENT: _____ POLICE REPORT# _____

LOCATION OF ACCIDENT: _____ CITY VEHICLE# _____

- ☐ Assess the situation – evaluate your medical condition. (**Do NOT move if possible neck/back injury!**)
- ☐ **Provide** any **First Aid**, if physically able, and/or if medical attention is needed and only if you are certified.
- ☐ **Protect yourself** and the vehicle from further injury or damage, if physically able. (Direct traffic around accident scene; move vehicle from roadway, when directed; position yourself away from vehicle, if vehicle cannot be moved, etc.)
- ☐ **Call the Belmont Police Department at (650) 595-7400 or 911 (if physically able). Insist on an accident report, no matter how minor the accident is.**
- ☐ **Be courteous.** Answer police questions. Give identifying information to the other party involved, but no comments about assuming responsibility.
- ☐ If the accident occurred outside of Belmont's jurisdiction and the attending Police Department will not take a police report, **make sure to record the following information:**
 - Your name and title
 - Location and description of accident, including description of City vehicle.
 - Driver's name, license plate number, date of birth and CDL#.
 - Description of other vehicles involved in accident and driver's names.
 - Names of all persons injured in accident.
 - Was accident investigated by police? Name of investigating officer, if known?
 - Were there any other known witnesses? If so, record their contact information.
- ☐ **Take pictures of the scene and damage either by Police or using your phone camera.**
- ☐ Report the accident to your supervisor immediately. Complete the **Vehicle Accident Report Form (enclosed)** and submit it to your supervisor.
- ☐ All **accidents involving bodily injury or major property damage** to the public should be **reported promptly** in the following manner:
 - Call George Hills Company **(408) 260-0153 - Claims Adjuster is Marizel Bajao.**
 - During non-business hours, on weekends and holidays, when there is a serious injury or death, report the accident immediately at **(800) 243-3840. Ask to speak with Marizel.**
- ☐ If the public is claiming you are at fault for the accident, refer them to the Risk Management Division: **Finance Department/Risk Management** – Nawel Voelker – One Twin Pines Lane, #320 Belmont, CA 94002 – (650) 595-7433 (business card enclosed).
- ☐ **PLACE ALL PHOTOGRAPHS, FORMS/REPORTS INSIDE ENVELOPE AND GIVE TO RISK MANAGEMENT**
- ☐ As soon as possible, have the vehicle inspected by Fleet Management. If you feel the vehicle is unsafe to operate, contact Fleet Management during normal business hours for assistance. After hours, call the Belmont Police Department and request the vehicle be towed to the Corporation Yard.
- ☐ **Complete a DMV SR1 form**, as required by state law, **within 10 days**, if:
 - More than \$750 in damage was done to the property of any person.
 - Anyone was injured (no matter how minor) or killed.
 - Whether or not you caused the accident or if the accident occurred on private property.